

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELLEN LORRAINE VAN AUDOL,

Defendant.

CR 19-07-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on March 26, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Ellen Lorraine Van Ausdol’s guilty plea after Van Ausdol appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of wire fraud in

violation of 18 U.S.C. § 1343(Count I) and one count of making and subscribing to a false income tax return in violation of 26 U.S.C. § 7206(l) (Count II) as set forth in the Information.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 14), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Ellen Lorraine Van Ausdol is adjudged guilty as charged in Counts I and II of the Information.

DATED this 12th day of April, 2019.



Dana L. Christensen, Chief District Judge
United States District Court